

NASSAU COUNTY OFFICE OF EMERGENCY MANAGEMENT

100 CARMAN AVENUE
EAST MEADOW, NY 11554
Phone 516 573 0636 Fax 516 573 0673
ncoem@nassaucountyny.gov

THOMAS R. SUOZZI
COUNTY EXECUTIVE



RICHARD A. ROTANZ
COMMISSIONER

MINUTES

**NASSAU COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN
NOVEMBER 17, 2005 AREA ASSESSMENT TEAM (North Hempstead Boundary)**

Name	Affiliation	Address	Phone	Fax	e-mail
David Paterson	Plandome Heights	67 Bondale Rd. N.	516-369-3163	516-869-0066	dlpaterson22@hotmail.com
J.Leonard Samansky	Mayor Saddle Rock	18 Masefield Way Great Neck, NY 11023	516-482-9400	516-482-9403	saddle@mindspring.com
Robert Bernstein	Mayor Lake Success	318 Lakeville Road	516-482-4411	516-482-1536	lsoffice@optonline.net
Scott Hislop	Village of Flower Hill	1 Bonnie Heights Road Manhasset, NY 11301	516-627-2253	516-627-5470	hislop@optonline.net
Marc Silbert	Village of Sands Point	Tibbits Lane	516-883-3044	516-767-3691	marcsilb@mac.com
Donna Plante	Town of N. Hempstead	287 Denton Ave. New Hyde Park	516-739-6719	516-739-6717	planted@northhempstead.com
Louis DiDomenico	Village of Kings Point	3 Steppingstone La. Kings Point	516-504-1000	516-482-9061	vkpcclerk@optonline.net
Don Richardson	Plandome	28 Valley Road	516-627-8490	516-869-0408	RichDK@aol.com
Scott Wilson	Plandome	38 Central Drive	516-627-2049	516-627-3938	ASCTWilson@aol.com
Pat Grace	Manhasset Press	70 Marjorie Court	516-747-8282	516-742-5867	pgrace@antonnews.com
Dorothy Zuckerman	Russell Gardens		516-482-8246		chris@russellgardens.com
Ronald W. Dean	Village of Plandome Manor	1526 N. Plandome Rd. Plandome, NY 11030	516-627-3701	516-627-7067	pmanor07@aol.com
Doreen Lesser	TNH Director of Intermunicipal Affairs	220 Plandome Road Manhasset, NY 11030- 2327	516-869-7712	516-869-7781	lesserde@northhempstead.com
Terry Winters	Nassau OEM	100 Carman Avenue. East Meadow, NY 11554	516-573-0636	516-573-0673	twinters@nassaucountyny.gov
Judy Fischer	OMNI Consulting	P. O. Box 496 Port Jefferson, NY 11777-0496	631-473-4826	631-473-4826	jefischer@aol.com
Anna Foley	URS	201 Willowbrook Blvd. Box 290 Wayne, NJ 07474- 0290	973-785-0700 ext. 449	973-812-0985	Anna_foley@urscorp.com

The first Area Assessment Team meeting for the North Hempstead area was held Wednesday, December 17 at 10 a.m. at the North Hempstead Town Hall.

The area assessment teams will be responsible for local community involvement in the multi-jurisdictional mitigation plan. To do this, the assessment teams will:

- Coordinate and facilitate local efforts.
- Provide information and feedback
- Reach out to and involve the public and community stakeholders in the planning process.
- Assess mitigation alternatives
- Select a course of action to be followed for their community
- Implement the plan and monitor its progress.

Agenda:

- Welcome and Opening Remarks
- Overview of the project and Planning Team Structure
- Participation Criteria
- The Hazard ID and Profile Steps
- Timeline
- Questions and Answers

Terry Winters, Nassau County Office of Emergency Management explained why participation in the Multi-jurisdictional Hazard Mitigation Plan will benefit the villages and towns:

- The villages and towns do not have to provide their own funds for the planning effort.
- By participating and attending meetings, the localities become part of the process.
- Their participation will encourage other villages to become involved in the plan.
- Mr. Winters emphasized that any questions about the plan and the process should be directed to him.

Ms. Foley gave a slide presentation discussing in detail the plan requirements and process. Every participant received a copy of the meeting agenda and a copy of the PowerPoint slides.

Topics discussed included:

- Intent of the project
- Organizational structure of the planning group
- Overview of the plan development process
- Role of participating jurisdictions, contractors, the public, and other stakeholders
- Participation criteria
- Key deliverables
- Data collection/supporting documents
- Project timeline
- Next steps
- Questions and answers

In her discussion, Ms. Foley emphasized that:

- Hazard mitigation involves evaluating potential hazards and then taking mitigation actions *before* the hazards occur.
- The plan must meet the provisions of FEMA's DMA 2000 requirements.
- Having a plan in place makes municipalities eligible to apply for funding for mitigation projects.
- The participants are (a) local municipalities; (b) other stakeholders; and (c) the public.
- The multi-jurisdictional plan involves goals that are common to all participating municipalities as well as goals unique to the problems affecting individual municipalities.
- Nassau OEM will need continued feedback from the localities.
- Each participating jurisdiction, including Nassau County, must provide opportunities for participation to the public and other stakeholders.
- Ms. Foley also addressed the plan development process; participation criteria; outreach to other stakeholders, including the outreach log; and the hazard identification profiles. A stakeholder participation and outreach plan was distributed to all participants.

Ms. Foley and Mr. Winters opened up the meeting for questions.

- Q1** (Deena Lesser) What about involving the commissioner districts, such as water and sanitation districts?
- A1** (Mr. Winters) The county is working with some of the districts. Each participating jurisdiction, including Nassau County, must reach out to stakeholders -- in addition to the public -- in its area and provide opportunities for participation in the process.
- Q2** Under the participation requirements, if a village does not attend three meetings, what do we have to let them know?
- A2** (Mr. Winters) Without participation, there is no funding for mitigation projects.
- Q3** (Donna Plante) How does this differ from regular maintenance projects?
- A3** (Ms. Foley/Mr. Winters) Increased maintenance in a hazard area may be listed as a mitigation measure in the plan, but it is unlikely that FEMA would fund it. A municipality could apply to FEMA for a capital project for mitigation. Municipalities must participate in the plan to be eligible for funding.
- Q4** (Donna Plante) What about liability? If a village identifies a problem for the plan inventory, does it become liable for that problem?
- A4** (Ms. Foley) We will coordinate with FEMA Region 2 and NYSEMO. Response will be distributed with minutes. (see attached)
- Q5** Are the funds available for public works projects only? What about private roads that have flooding?
- A5** (Mr. Winters) It may be up to the homeowners or the homeowners association.
(Ms. Foley) It might also be similar to the way a private homeowner could receive funding for a structure elevation project. We will coordinate with FEMA

Region 2 and NYSEMO. Response will be distributed with minutes. (see attached)

Q6 (Leonard Samansky) Since any resolution will require a public hearing before adoption by the village board, in the interests of saving time, could the villages be given a draft standard draft resolution?

A6 (Mr. Winters) Yes. We will distribute with the minutes. (see attached)

Mr. Winters provided a brief recap emphasizing:

- Villages may need to bring other people into the process and should develop a team approach including the public and other stakeholders.
- Each locality will have to adopt the plan by resolution.
- In a short time, Nassau County will have a web site for the plan, and all pertinent documents, meeting information, will be up on the website.

Responses to Questions for Which a Response was Not Given During AAT Meetings:

North Hempstead boundary – 11/17/05

Oyster Bay boundary – 11/28/05

1.) **Question:** If one flood prone area of a community is in a private development with private roads, and if that area floods not due to a riverine or coastal flood source but rather due to drainage issues, could the community apply for a grant for a drainage improvement project at that site?

Source Consulted: The answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of FEMA Region 2 who administer the HMGP, FMA, and PDM programs.

Answer: Yes, a drainage improvement project for a private road would be an eligible type of project under HMGP and PDM as long as the community agrees to act as the Sponsor for the private development in applying to FEMA for mitigation project funding. For the FMA program, the same would hold true but in addition, the application would have to show that implementation of the project would offer protection to NFIP-insurable structures (in other words, under FMA, if the project was only to alleviate roadway flooding, it *would not* be an eligible type of project, but if it would alleviate any flooding to NFIP-insurable structures, then it *would* be an eligible type of project).

2.) **Question:** In one community, the Planning Group representative was encountering some reluctance on the part of her colleagues to document areas of historic flooding, especially with regard to areas that flood due to poor drainage. The reluctance was coming from a concern that documenting these types of problem areas could put the community at an increased liability if they were to be sued. Not only in the case of (1) a problem that was identified and had no mitigation action identified for it in the mitigation strategy of the plan, (2) a problem that was identified and had a mitigation action evaluated but given a low priority in the mitigation strategy section of the plan, or (3) a problem that was identified with a mitigation action to be undertaken by a certain date, but possibly a lawsuit brought against the community before the action was implemented. The question was: are communities really increasing their liability when identifying problem areas such as this?

First Source (NYSEMO) Consulted: The first answer to this question was obtained by URS on 11/17/05 through telephone coordination with representatives of NYSEMO who support community mitigation planning activities.

First Source Answer: Representatives of NYSEMO indicated that this is a question that has been raised by other New York State communities as they, too, participated in the

development of a hazard mitigation plan. NYSEMO recognizes this concern, and suggests that communities who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.

Second Source Consulted (FEMA Region 2): URS also posed this question to a representative of the FEMA Region 2 Flood Insurance and Mitigation Division during a telephone conversation on 11/17/05.

Second Source Answer: FEMA Region 2 recognizes that this is a legitimate concern regarding how the planning process and the planning document (specifically the risk and vulnerability assessment section and action items) might bolster a person's claim or suit against a community for negligence. Region 2 has posed the question to legal staff at FEMA Headquarters and is awaiting a response. In the interim, the Region agrees with NYSEMO that communities who are concerned about potential liabilities as they relate to the plan development process should coordinate directly with their community's legal staff.